

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

CLASSEN, John B.

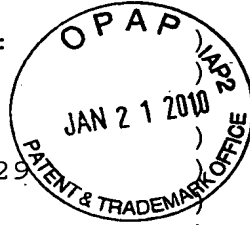
Serial No.: 08/104,529

Filed: August 12, 1993

Patent No.: 5,728,385

Patent Date: March 17, 1998

For: METHOD AND COMPOSITION  
FOR AN EARLY VACCINE  
TO PROTECT AGAINST...



Art Unit: 1636

Examiner: RAILEY, J.

Washington, D.C.

January 21, 2010

Docket No.: CLASSEN=1

Confirmation No.: 1966

RESPONSE TO NOTICE UNDER 37 CFR 1.251

U.S. Patent and Trademark Office  
Customer Service Center  
Office of Initial Patent Examination  
Mail Stop Reconstruction  
Crystal Plaza 2  
2011 South Clark Place  
Arlington, VA 22202

Sir:

In response to the Notice Under 37 CFR 1.251 mailed July 23, 2009 applicants enclose the following:

- (1) a statement in response to the notice under 37 CFR 1.251;
- (2) a list of the correspondence (other than art of record) in patentee's record;
- (3) a list of the art cited, other than U.S. patent documents, in patentee's record;
- (4) a list of correspondence other than art of record, that is listed in the PAIR printout attached to the Notice but is not in patentee's record;
- (5) a list of art of record (other than US patent documents) that is listed on the face of the patent but is not in patentee's record;
- (6) a list of the correspondence in patentee's record

USSN - 08/104,529

U.S. Patent No.: 5,728,385

(see (2) above) that is not listed in the PAIR printout.

(7) a copy of patentee's record as listed in (2) and (3)  
above;

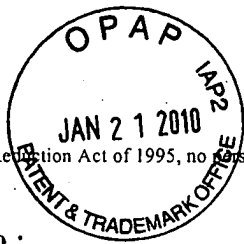
Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

By: 

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IPC:lms  
G:\ipc\A-C\clas\Classen1\response to notice reconstruction.wpd



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

In re Patent No.:

5,728,385

Patentee:

John Barthelow Classen

Patent Date:

March 17, 1998

Application No.:

08/104,529

Filing Date:

August 12, 1993

Direct to:

Box Reconstruction  
United States Patent and Trademark Office  
Washington, DC 20231

## NOTICE UNDER 37 CFR 1.251 - Patent

Statement (check the appropriate box):

☒ The copy submitted with this reply is a complete and accurate copy of patentee's record of all of the correspondence between the Office and the patentee for the above-identified patent (except for U.S. patent documents), and patentee is not aware of any correspondence between the Office and patentee for the above-identified patent that is not among patentee's records.

☐ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of patentee's record of such paper(s).

☐ The papers produced by patentee are patentee's complete record of all of the correspondence between the Office and the patentee for the above-identified patent (except for U.S. patent documents), and patentee is not aware of any correspondence between the Office and the patentee for the above-identified patent that is not among patentee's records.

☐ Patentee does not possess any record of the correspondence between the Office and the patentee for the above-identified patent.

Date

1/21/2010

Signature

Iver P. Cooper

Typed or printed name

28,005  
Registration No.

A copy of this notice should be returned with the reply.

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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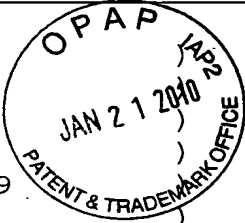
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ENCLOSURE (2): LIST OF PTO CORRESPONDENCE  
BETWEEN PATENTEE AND PTO

- July 23, 2009 Notice Under 37 CFR 1.251 - Patent
- Issue Notification
- October 17, 1997 Issue Fee Transmittal
- October 17, 1997 Submission of Formal Drawings
- September 9, 1997 Amendment Under Rule 1.312(a)
- July 21, 1997 Notice of Allowance
- June 30, 1997 Amendment After Final Rejection with second extension
- February 19, 1997 Final Rejection
- November 22, 1996 Supplemental Amendment<sup>1</sup>
- November 21, 1996 Amendment with second extension and Exhibit A
- October 30, 1996 PTO Communication
- June 25, 1996 Office Action
- March 20, 1996 Amendment with first extension
- November 20, 1995 Office Action and Interview Summary Record
- November 6, 1995 Second Supplemental Response

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<sup>1</sup> This is listed on PAIR Printout as "11/22/96 Response After Non-Final Action".

USSN - 08/104,529

U.S. Patent No.: 5,728,385

- October 4, 1995 PTO Communication
- October 4, 1995 Faxed PTO Communication
- September 25, 1995 Notice of Withdrawal - Holding of Abandonment
- July 10, 1995 Fax submission to PTO (copies of Browdy and Neimark PTO Filing Notebook, check payment, postcard receipts, Notice of Appeal filed 4/12/95, Supplemental Amendment After Final Rejection filed 4/12/95, Amendment filed April 10, 1995)
- April 12, 1995 Supplemental Amendment After Final Rejection
- April 12, 1995 Notice of Appeal, listed incorrectly on PAIR Printout as 9/25/95
- April 10, 1995 Amendment with third extension of time, listed incorrectly on PAIR Printout as 9/25/95
- October 12, 1994 Final Rejection
- July 8, 1994 Amendment with second extension of time with Tables I-VI and Graph
- February 8, 1994 Office Action
- Official Filing Receipt
- January 26, 1994 Information Disclosure Statement
- November 12, 1993 Notice of Recordation of Assignment
- October 12, 1993 Assignment and Assignment Transmittal
- October 12, 1993 Response to Notice to File Missing Parts... with Declaration
- August 24, 1993 Notice to File Missing Parts...
- August 12, 1993 Application Transmittal, specification including claims and abstract, and formal drawings.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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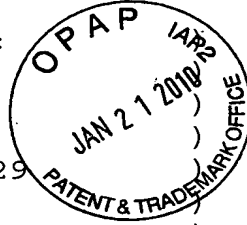
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ENCLOSURE (3) LIST OF ART CITED (OTHER THAN U.S. PATENT DOCUMENTS), IN PATENTEE'S RECORD

- EP 0343480, May 1989
- WO 8912455, December 1989
- WO 9010449, September 1990
- WO 9200755, January 1992
- Baraff, et al., January 1984
- Barrett, et al., June 28, 1958
- Blom, et al., 1991
- Classen, et al., May 1991
- Dengrove et al., 1986
- Elias, et al., April 1991
- Elias, et al., February 1990
- Fagan McInerney, et al., June 1991
- Ferreri, et al., 1992
- Grange, et al., 1990
- Green, et al., April 11, 1992
- Halsey, et al., 1985
- Harada, et al., 1990
- Huang, et al., 1984
- Huang, et al., 1991
- Imamura, et al., 1991
- Infectious Disease, Chapter 3, pp. 21-24

USSN - 08/104,529

U.S. Patent No.: 5,728,385

- Jacob John, 1984
- JAMA, July 21, 1989
- JAMA, July 7, 1989
- Kolb, et al., 1987
- Krolewski, et al., 1987
- Luh, et al., 1992
- Madore, et al., March 1990
- Mihara, et al., 1989
- Mihara, et al., 1992
- Mukai, et al., 1992
- Pearce, et al., 1991
- Ogita, et al., March 1991
- Oldstone, January 1988
- Oldstone, et al., June 1990
- Pabst, et al., August 4, 1990
- Salonen, et al., 1975
- Sato, et al., September 1988
- Sato, et al., October 1989
- Simultaneous Administration of Multiple Vaccines, pp.

16-19

- Spigland, et al., May 1960
- Toyota, et al., 1978
- Vagede, Vaccine Technology, pp. 628-643
- Wheeley, et al., 1990.

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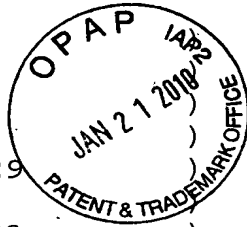
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ENCLOSURE (4) LIST OF CORRESPONDENCE OTHER THAN ART OF RECORD,  
THAT IS LISTED IN THE PAIR PRINTOUT ATTACHED TO THE NOTICE  
BUT IS NOT IN PATENTEE'S RECORD

-May 16, 1995 Abandonment Notice

-June 13, 1994 Miscellaneous Incoming Letter

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

CLASSEN, John B.

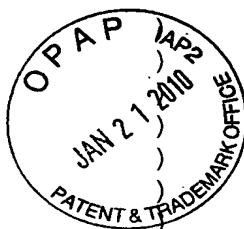
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Washington, D.C.

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Docket No.: CLASSEN=1

Confirmation No.: 1966

ENCLOSURE (5) ART OF RECORD (OTHER THAN U.S. PATENTS)  
THAT IS NOT IN PATENTEE'S RECORD

- Barrett, et al., November 1962
- Perkins, et al., July 12, 1958
- Provenzano, et al., October 28, 1965
- Sadelain, et al., May 1990
- Schwimmbeck, et al., May 15, 1988
- Seino, et al., 1991
- Shintani, et al., January 1, 1990
- Toyota, et al., April 1986
- Guberski, et al., November 15, 1991
- Hems, et al., January 23, 1971
- Shinoda, et al., November 1992
- Ferrerri, et al., 1991

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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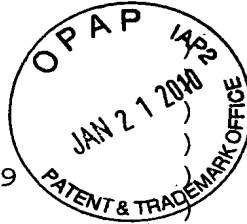
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ENCLOSURE (6) CORRESPONDENCE IN PATENTEE'S RECORD NOT  
LISTED IN THE PAIR PRINTOUT

- August 12, 1993 Application Transmittal, specification including claims and abstract, and formal drawings

- October 12, 1993 Response to Notice to File Missing Parts... with Declaration

- January 26, 1994 IDS

- Official Filing Receipt

- April 10, 1995 Amendment with third extension of time<sup>1</sup>

- April 12, 1995 Notice of Appeal<sup>2</sup>

- April 12, 1995 Supplemental Amendment After Final

- July 10, 1995 Fax to Claudia Sullivan, copies of various filings, postcard receipts, and pages from Browdy and Neimark PTO logbook

- October 30, 1996 PTO Communication

- November 21, 1996 Amendment with second extension of time

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<sup>1</sup> This is listed on the PAIR Printout on September 25, 1995.

<sup>2</sup> This is listed on the PAIR Printout on September 25, 1995.

USSN - 08/104,529

U.S. Patent No.: 5,728,385

- September 9, 1997 Amendment...1.312(a)
- November 12, 1993 Notice of Recordation

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